

## **REMARKS**

In the Office Action, the Examiner rejected Claims 1-17, which were all of the then pending claims, over the prior art, principally U.S. Patent 6,578,066 (Logan, et al.). More specifically, Claims 1-4, 7-10 and 13-16 were rejected under 35 U.S.C. 102 as being fully anticipated by Logan, et al, and Claims 5, 6, 11, 12 and 17 were rejected under 35 U.S.C. 103 as being unpatentable over Logan, et al. in view of U.S. Patent 6,282,281 (Low). Claims 1, 7 and 13-17 were also rejected under 35 U.S.C. 112, first paragraph, and Claims 13-17 were further rejected under 35 U.S.C. 101 as directed to non-statutory subject matter.

Independent Claims 1, 7 and 13 are being amended to better define the subject matters of these claims. Claims 3, 9 and 15 are being amended to keep the language of these claims consistent with the language of Claims 1, 7 and 13, respectively. Claim 5 is being cancelled because limitations thereof are being added to Claim 1, and Claim 6 is being amended to be dependent from Claim 1 instead of the now cancelled Claim 5. Similarly, Claim 11 is being cancelled because limitations thereof have been added to Claim 7, and Claim 12 is being amended to be dependent from Claim 7 instead of claim 11. Claim 17 is being amended to remove a limitation added to Claim 13. Also, the specification is being amended to remove a duplicated paragraph.

In rejecting Claims 1, 7 and 13 under 35 U.S.C. 112, the Examiner indicated it is unclear how an instance could select another instance or send to the user. These instances are instances of applications, and, moreover, these instances are operating on servers. As such, the instances are able to perform functions such as selecting among the instances and sending information and data to a user.

To make this expressly clear, independent Claims 1, 7 and 13 are being amended to indicate positively that each of the instances is operating on one of a plurality of servers. It is through this operation that the instances are able to select among the application instances and to send information to the user, as described in the claims.

Claims 7-13 were also rejected under 35 U.S.C. 112, and further rejected under 35 U.S.C. 101, on the basis that the specification does not positively disclose what a program storage device is.

The phrase “program storage device” is a common expression and, in the context of the present application, is well understood by those of ordinary skill in the art. For instance, a word search through the US PTO Web site shows that the phrase “program storage device” is found in the claims of more than 3900 US patents. Furthermore, the claims of the present application – which form part of the disclosure – expressly describe what the purpose of the program storage device is.

This program storage device is, as described in Claim 13, “readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps for establishing a session, via the Internet, between a user and an application. Thus, as described in the claims, the program storage device produces a tangible, concrete and useful result. Specifically, this device tangibly embodies a program of instructions, executable by a machine to achieve a specific, useful and concrete result – establishing a session between a user and an application.

The term “program storage device,” as used in the present application, is well understood by those of ordinary skill in the art, and, further, is an article of manufacture within the meaning of 35 U.S.C. 101. For these reasons, Claim 13 and Claims 14-17, which are dependent from Claim 13, are directed to statutory subject matter and also are clear and definite.

In view of the above-discussion and the amendments made herein, Claims 13-17 are statutory subject matter, within the meaning of 35 U.S.C. 101, and Claims 1, 7 and 13-17 satisfy the requirements of 35 U.S.C. 112. The Examiner is, accordingly, respectfully asked to reconsider and to withdraw the rejection of Claims 13-17 under 35 U.S.C. 101 and the rejection of Claims 1, 7 and 13-17 under 35 U.S.C. 112.

In addition, all of Claims 1-4, 6-10 and 12-17 patentably distinguish over the prior art and are allowable. The Examiner is thus also asked to reconsider and to withdraw the rejection of Claims 1-4, 7-10 and 13-16 under 35 U.S.C. 102 and the rejection of Claims 6, 12 and 17 under 35 U.S.C. 103, and to allow Claims 1-4, 6-10 and 12-17.

More specifically, the present invention relates to routing users to one of a group of application instances, available via the Internet on different servers, based on user profiles and security factors. As discussed in detail in the present application, an ever-increasing number of applications are being made available, via the Internet, at Web sites, and these applications are being used by a continuously increasing number of people. This presents important new opportunities and challenges for businesses and Web site operators. One significant challenge is to provide a user with appropriate information, which may vary substantially from user to user. Another challenge is to ensure that the applications respond in a timely fashion and that the user sessions be handled effectively.

The present invention addresses these challenges.

Generally, this is done by using one Internet application instance, on one Web server, to route users automatically to one of a group of application instances, which provide different information to the user, depending on the information needs of the user and on security factors.

More particularly, in a method embodying the invention, a plurality of instances of the application is provided on a plurality of servers. Each of the instances operates on one of the servers and has a respective Internet address. A user accesses one of these instances, via the Internet, by means of the Internet address of that one instance.

The accessed instance selects one of the application instance (which may or might not be the originally accessed instance) according to a defined procedure, for a session with the user. The originally accessed instance sends to the user an identifier for establishing a session with the selected one instance, and the user then establishes the session with that selected instance using the identifier sent to the user. In this method, the instance that is selected for the session, is selected based on a profile of the user and on given security rules.

The prior art does not disclose or render obvious the feature of selecting the instance for the session with the user based on both the user profile and on given security rules.

For instance, Logan, et al, which is the primary reference relied on by the Examiner, discloses a procedure for balancing a load among distributed servers. In this procedure, a switch examines the source IP address of the domain name server request, examines the user's IP-address, and determines if there is a server site that is geographically close to that user. The switch may choose a next remote server based on the remote server location compared to the domain name server request source. The switch then sends the domain name sever response back to the client domain name server with the IP addresses in an ordered list.

As the Examiner has recognized, there are a number of important differences between the method and system of the present invention and the procedure described in Logan, et al. In order to remedy this deficiency of Logan, et al. as a reference, the Examine relies on Low.

Low discloses a system for providing telecommunications services. In this system, a server is connected to a computer network. This network is generally accessible to users of the telecommunications system. Users place service resource items on the server, and a predetermined code is associated with each service resource item. When a control subsystem receives a service request, that control subsystem uses the predetermined code to access a corresponding service resources item to provide service in response to the service request.

The Examiner cited Low primarily for its disclosure, in column 4, lines 25-31, for its disclosure of selecting an instance based on user configurable profiles.

User profiles are, of course, well known. What is important in the present invention is that the selected instance is chosen based on both the user profile and security factors. In the preferred embodiment of the invention, tables may be provided with this information and accessed by an instance to determine which instance the user session should be established with.

Low, like Logan, et al, does not disclose or render obvious the feature of basing the selection of the instance on both a user profile and given security factors.

This feature of the present invention is of utility because, as a result, the application instances do workload management and also to enforce security rules. Under these security rules, for example, a user on one instance might not be given access to another instance.

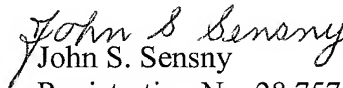
The other references of record have been reviewed, and these other references, whether considered individually or in combination, also do not disclose or render obvious this feature of the present invention.

Independent Claims 1, 7 and 13 are being amended to describe expressly this feature. In particular, each of these claims is being amended to indicate that the selected instance is selected based on a profile of the user and on given security rules.

In light of the above-discussed differences between Claims 1, 7 and 13 and the prior art, and because of the advantages associated with those differences, these Claims 1, 7 and 13 patentably distinguish over the prior art and are allowable. Claims 2-4 and 6 are dependent from Claim 1 and are allowable therewith; and Claims 8-10 and 12 are dependent from, and are allowable with, Claim 7. Likewise, Claims 14-17 are dependent from Claim 7 and are allowable therewith. The Examiner is, hence, also asked to reconsider and to withdraw the rejection of Claims 1-4, 7-10 and 13-16 under 35 U.S.C. 102 and the rejection of Claims 6, 12 and 17 under 35 U.S.C. 103, and to allow Claims 1-4, 6-10 and 12-17.

For the reasons set forth above, the present application is in condition for allowance. The Examiner is asked to reconsider and to withdraw the rejection of Claims 13-17 under 35 U.S.C. 101 and the rejection of Claims 1, 7 and 13-17 under 35 U.S.C. 113. The Examiner is requested to reconsider and to withdraw the rejection of Claims 1-4, 7-10 and 13-16 under 35 U.S.C. 102 and the rejection of Claims 6, 12 and 17 under 35 U.S.C. 103, and to allow Claims 1-4, 6-10 and 12-17. If the Examiner believes that a telephone conference with Applicants' Attorneys would be advantageous to the disposition of this case, the Examiner is asked to telephone the undersigned.

Respectfully submitted,

  
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